

## Department Proposals for WCAC Consideration in 2013-2014

- 1. Amend s.102.07 (12m), Wis. Stats. & s. 102.077 Wis. Stats., to extend the law to technical colleges and universities and colleges -- allowing them to accept liability for certain work experience students and extend the exclusive remedy protection to the worksite employers.**

Proposed Revision:

1. Under section 102.07(12m), Wis. Stats., A student of a public school, as described in s. 115.01 (1), or a private school, as defined in s. 115.001 (3r), or a technical college as defined under Chapter 38, or a college as defined under Chapter 36, or a postsecondary education institution, or a higher education institution, while he or she is engaged in performing services as part of a school work training, work experience or training or work experience or who is not otherwise receiving compensation on which a worker's compensation carrier could assess premiums on that employer, is an employee of a school district, private school, technical college, college or a postsecondary education institution, or a higher education institution that elects under s. 102.077 to name the student as its employee. *Footnote: This allows school districts, technical colleges, colleges and institutions of higher education to accept liability for certain work experience students and extends the exclusive remedy protection to the worksite.*

Section 102.077, Wis. Stats., Election by school district, private school, technical college, college, postsecondary education institution, or a higher education institution.

(1) A school district or a private school, as defined in s. 115.001 (3r), or a technical college as defined under Chapter 38, or a college as defined under Chapter 36, or or a postsecondary education institution, or a higher education institution., may elect to name as its employee for purposes of this chapter a student described in s. 102.07 (12m) by an endorsement on its policy of worker's compensation insurance or, if the school district, private school, technical college, college, postsecondary education institution, or a higher education institution, is exempt from the duty to insure under s. 102.28 (2), by filing a declaration with the department in the manner provided in s. 102.31 (2) (a) naming the student as an employee of the school district, private school, technical college, college or a postsecondary education institution, or a higher education institution for purposes of this chapter. A declaration under this subsection shall list the name of the student to be covered under this chapter, the name and address of the employer that is providing the work training or work experience for that student and the title, if any, of the work training, work experience or work study program in which the student is participating.

(2) A school district, private school, technical college, college, postsecondary education institution, or a higher education institution may revoke a declaration under sub. (1) by providing written notice to the department in the manner provided in s. 102.31(2) (a), the student and the employer who is providing the work training or work experience for that student. A revocation under this subsection is effective 30 days after the department receives notice of that revocation.

- 2. Clarify the definition of "municipality" under s. 102.01 (d), Wis. Stats.**

Proposed revision:

(d) "Municipality" includes a county, city, town, village, school district, sewer district, drainage district, family care district, special purpose district, political subdivision or taxing authority of the state and other public or quasipublic corporations.

### 3. Clarify the intent of s.102.13 (2) (c), Wis. Stats.

**Background:** Since the Plain Language Summary 2011 for Wisconsin Act 183 has been published to the WC Division's web site there have been questions regarding the language referencing denials that was added to Section 102.13(2) (c).

The intention behind the added language is to statutorily codify the fact that a treating practitioner's final medical report is not due in cases where the claim is completely denied (a denial of causation) and the injured worker does not contest the denial.

The added language in no way alters the fact that a treating practitioner's final medical report is due in cases where the claim is partially denied (a denial of the extent of disability) and there is accepted liability for any permanent disability or temporary disability that exceeds three (3) weeks. In other words, the reporting requirement laid out in DWD 80.02(2)(e)4 still stands.

Proposed revision:

(c) Except as provided in this paragraph, if an injured employee has a period of temporary disability that exceeds 3 weeks or a permanent disability, if the injured employee has undergone surgery to treat his or her injury, other than surgery to correct a hernia, or if the injured employee sustained an eye injury requiring medical treatment on 3 or more occasions off the employer's premises, the department may by rule require the insurer or self-insured employer to submit to the department a final report of the employee's treating practitioner. The department may not require an insurer or self-insured employer to submit to the department a final report of an employee's treating practitioner when there is a complete denial of the employee's claim for compensation by the insurer or self-insured employer ~~denies the employee's claim for compensation~~ and the employee does not contest that denial. A treating practitioner may charge a reasonable fee for the completion of the final report, but may not require prepayment of that fee. An insurer or self-insured employer that disputes the reasonableness of a fee charged for the completion of a treatment practitioner's final report may submit that dispute to the department for resolution under s. 102.16 (2).

### 4. Amend DWD 80.72 Health service fee dispute resolution process and DWD 81 Worker's Compensation Treatment Guidelines related to the implementation of ICD-10 codes.

The International Classification of Diseases (ICD) is the standard diagnostic tool for epidemiology, health management and clinical purposes. This includes the analysis of the general health situation of population groups. It is used to monitor the incidence and prevalence of diseases and other health problems.

ICD-10 is the 10th revision of the International Statistical Classification of Diseases and Related Health Problems (ICD), a medical classification list by the World Health Organization (WHO). It codes for diseases, signs and symptoms, abnormal findings, complaints, social circumstances, and external causes of injury or diseases. The code set allows more than 14,400 different codes and permits the tracking of many new diagnoses.

ICD-10 implementation is scheduled for October 1, 2014.